

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JANUARY 6, 2005

The Marlboro Township Council held its reorganization meeting on January 6, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this reorganization meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 17, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Acting Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Resolution # 2004-399 (Transfers) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-399

RESOLUTION AUTHORIZING BUDGET TRANSFERS
DURING LAST TWO MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2004 Municipal Budget as follow:

CURRENT FUND

DEPARTMENT		AMOUNT FROM	AMOUNT TO
From:			
Landfill Disposal	OE	8,000.00	
To:			
Drug Abuse	S&W		3,000.00
Engineering	S&W		5,000.00
Totals		8,000.00	8,000.00

The following Resolution # 2004-400 (Chapter 159 - Cartegraph) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-400

ITEM OF REVENUE IN THE BUDGET OF MUNICIPALITY
PURSUANT TO N.J.S.A. 40A: 4-87 (Chapter 159, 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Marlboro has received a grant award from Cartegraph Systems, Inc., Rebuilding Our Homeland, CarteGraph and Space Imaging Grant in the amount of \$40,000.00

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2004 budget in the amount of \$40,000.00 which item is now available as a revenue from:

Public & Private Revenues Offset with
Appropriations:
Cartegraph Systems, Inc.

Rebuilding Our Homeland \$40,000.00
CarteGraph and Space Imaging Grant

SECTION 2:

BE IT FURTHER RESOLVED, that the amount of \$40,000.00 is hereby appropriated as:

Operations Excluded from "CAPS":
Cartegraph Systems, Inc.

Rebuilding Our Homeland \$40,000.00
CarteGraph and Space Imaging Grant

And,

BE IT FURTHER RESOLVED, that two certified copies be filed in the Office of the Director of the Division of Local Government Services.

The following Resolution # 2004-401 (Award of Contract - Cartegraph) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-401

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
CARTEGRAPH SYSTEMS, INC. FOR THE PROVISION OF SOFTWARE
PRODUCTS AND MAINTENANCE AGREEMENT AND ACCEPTING GRANT IN
THE AMOUNT OF \$40,000

WHEREAS, Cartegraph Systems, Inc. ("Cartegraph") received funding from the United States Department of Homeland Security or other federal agency and awarded Marlboro Township a \$40,000 grant (the "Rebuilding our Homeland Grant") towards the total project cost; and

WHEREAS, Cartegraph submitted a proposal to the Township to provide and deliver licenses to use Software Products and provide maintenance for Software Products as outlined in, and conformance with, Cartegraph's proposal dated November 2004 for a total contract amount of \$81,832.00, plus expenses; and

WHEREAS, the Legislature has authorized local governmental units, through the Fiscal Year 2005 Budget Law, P.L. 2004, Chapter 71, to purchase equipment goods or services related to homeland security that is paid for or reimbursed by federal funds awarded by the Department of Homeland Security without public bidding; and

WHEREAS, the Administration recommends that a contract be awarded to Cartegraph Systems, Inc. as outlined in, and conformance with, its proposal to the Township dated November 2004; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a contract to Cartegraph Systems, Inc. for the delivery of licenses to use Software Products and provide maintenance for Software Products in conformance with Cartegraph's proposal dated November 2004 for a total contract amount of \$81,832.00 plus expenses; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that (1) the Township hereby accepts the Rebuilding Our Homeland Grant in the amount of \$40,000; and (2) the contract to provide for the delivery of licenses to the Software Products and provide maintenance for Software Products as outlined in, and conformance with, Cartegraph's proposal dated November 2004 is hereby awarded to Cartegraph Systems, Inc., and that the Mayor

is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Cartegraph Systems, Inc., to provide for the delivery of licenses to use Software Products and provide maintenance for Software Products, as outlined in, and conformance with, Cartegraph's proposal dated November 2004, which is on file with the Township.

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Cartegraph Systems, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Division of Local Government Services, Department of Community Affairs
- e. GluckWalrath LLP

The following Resolution # 2005-1 (Election of Council President - Joseph Pernice) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-1

BE IT RESOLVED by the Township Council of the Township of Marlboro that JOSEPH PERNICE be elected as Council President of the Marlboro Township Council commencing January 1, 2005.

The following Resolution # 2005-2 (Election of Council Vice President - Patricia Morelli) was introduced by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-2

BE IT RESOLVED by the Township Council of the Township of Marlboro that PATRICIA MORELLI be elected as Council Vice President of the Marlboro Township Council commencing January 1, 2005.

The following Resolution # 2005-3 (Appointments Zoning Board of Adjustment) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-3

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint Michael Fishman to serve as a regular member of the Zoning Board of Adjustment, for a four (4) year term; and

WHEREAS, the Township Council wishes to appoint Adrienne Spota to serve as a regular member of the Zoning Board of Adjustment, for a four (4) year term.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints Michael Fishman and Adrienne Spota to serve as members of the Marlboro Township Zoning Board of Adjustment in the positions specified above, and for the terms indicated above.

The following Resolution # 2005-4 (Appointments to MTMUA) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-4

RESOLUTION APPOINTING MICHAEL MESSINGER TO THE
MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
FOR A TERM OF FIVE YEARS AND RICHARD PREVITE
TO FILL THE UNEXPIRED TERM OF RICHARD VUOLA EXPIRING
JANUARY 31, 2008

WHEREAS, the Township Council of the Township of Marlboro desires to appoint MICHAEL MESSINGER for a term of five years, commencing February 1, 2005 to the Marlboro Township Municipal Utilities Authority; and

WHEREAS, the Township Council of the Township of Marlboro desires to appoint RICHARD PREVITE to fill the unexpired term of Richard Vuola, expiring January 31, 2008 to the Marlboro Township Municipal Utilities Authority; and

WHEREAS, Township Ordinance 36-2 provides that compensation for these services shall hereinafter be determined by resolution of the Marlboro Municipal Utilities Authority, in the amount not to exceed \$2,000 per year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that MICHAEL MESSINGER be and hereby is appointed as a member of the Marlboro Township Municipal Utilities Authority for a term of five years commencing February 1, 2005 and ending on January 31, 2009, with compensation for said services to be set in the manner provided in Township Ordinance 36-2 et. seq.; and

BE IT FURTHER RESOLVED that RICHARD PREVITE be and hereby is appointed as a member of the Marlboro Township Municipal Utilities Authority to fill the unexpired term of Richard Vuola expiring January 31, 2008, with compensation for said services to be set in the manner provided in Township Ordinance 36-2 et. seq.; and

BE IT FURTHER RESOLVED, that these appointment are made pursuant to the provisions of Township Ordinance 4-34D(3) & 36-2 and pursuant to the authority of NJSA 40:14B-4.

The following Resolution # 2005-5 (Appointment to WMUA) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-5

RESOLUTION APPOINTING
RALPH ZULFERINO TO BE A MEMBER OF THE
WESTERN MONMOUTH UTILITIES AUTHORITY

WHEREAS, Sections 36-5 through 36-13 of the "Code of the Township of Marlboro" establish the Western Monmouth Utilities Authority, which was created pursuant to N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, N.J.S.A. 40:14B-5 provides that the members of joint authorities composed of two or more municipalities shall be appointed by the governing bodies of the participating municipalities; and

WHEREAS, Section 36-7 of the Township Code further provides for the appointment of members of the Western Monmouth Utilities Authority from Marlboro Township by a majority vote of the Township Council of the Township of Marlboro.

WHEREAS, the Township Council of the Township of Marlboro has determined that it shall appoint RALPH ZULFERINO to serve as one of Marlboro Township's members of the Western Monmouth Utilities Authority in accordance with the above statutes and Code provisions.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That RALPH ZULFERINO is hereby appointed to serve as a member of the Western Monmouth Utilities Authority for a term of five (5) years to commence on February 1, 2005.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Ralph Zulferino
- b. W.M.U.A

The following Resolution # 2005-6 (Appointment of Class III Member to Planning Board - Patricia Morelli) was introduced by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-6

BE IT RESOLVED by the Township Council of the Township of Marlboro that PATRICIA MORELLI be and is hereby appointed to the Planning Board, as a Class III member.

The following Resolution # 2005-7 (Appointment of Chairman - Barry Denkensohn - Negotiating Committee for Acquisition of Marlboro Hospital - Expiring Dec. 31, 2005) was introduced by reference, offered by Council President Pernice, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-7

BE IT RESOLVED by the Township Council of the Township of Marlboro that BARRY DENKENSOHN is hereby appointed as Chairman of the Negotiating Committee for the Acquisition of the Marlboro State Psychiatric Hospital property, such term to expire December 31, 2005.

The following Resolution # 2005-8 (Appointment of Council Representatives to Marlboro Education & Government Group - Expiring Dec. 31, 2005 - Cantor & Mione) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-8

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Representatives to the Marlboro Education and Government Group, such terms to expire December 31, 2005:

The following Resolution # 2005-9 (Appointment of Council Liaisons term to expire Dec. 2005) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-9

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Liaisons, such terms to expire December 31, 2005:

Open Space Committee - Patricia Morelli
MTMUA - JoAnn Denton

Recreation Commission - Joseph Pernice
WMUA - Julia Oliver

The following Resolution # 2005-10 (Reappointment of Deputy Municipal Clerk - Deborah Usalowicz) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-10

RESOLUTION REAPPOINTING DEBORAH USALOWICZ
AS DEPUTY MUNICIPAL CLERK

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, pursuant to N.J.S.A. 40A:9-135 et seq. and Township Ordinances Section 4-22 and 4-25, that it does hereby appoint Deborah Usalowicz as Deputy Municipal Clerk of the Township of Marlboro for a five-year term commencing on January 1, 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the following:

- a. Deborah Usalowicz
- b. Township Administrator
- c. Township Attorney

The following Resolution # 2005-11 (Advising and Consenting to Reappointment Library Board - Reva Sklarin) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-11

ADVISING AND CONSENTING TO THE REAPPOINTMENT OF REVA SKLARIN AS
A MEMBER OF THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC
LIBRARY FOR A FIVE YEAR TERM

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint Reva Sklarin, for a five-year term.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to such appointment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the reappointment of Reva Sklarin as a member of the Board of Trustees of the Marlboro Free Public Library is hereby confirmed.

BE IT FURTHER RESOLVED that this appointment is made pursuant to NJSA 40: 54-9 et. seq. and Section 4-34D(4) of the Marlboro Code.

The following Resolution # 2005-12 (Advising and Consenting to Appointment of John Lane, Esq. as Municipal Prosecutor) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 1 in favor with Councilman Mione voting no.

RESOLUTION # 2005-12

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT OF
JOHN LANE, ESQ. AS MUNICIPAL PROSECUTOR OF THE
TOWNSHIP OF MARLBORO

WHEREAS, Section 4-71 of the Code of the Township of Marlboro requires the Mayor to appoint a Municipal Prosecutor with the advice and consent of the Township Council; and

WHEREAS, N.J.S.A. 2B:25-4 authorizes a municipality to appoint a municipal prosecutor as necessary to administer justice in a timely and effective manner in its municipal court; and

WHEREAS, Mayor ROBERT KLEINBERG appoints JOHN LANE, ESQ. as the Municipal Prosecutor of the Township of Marlboro, subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of JOHN LANE, ESQ. as the Municipal Prosecutor of the Township of Marlboro for the term and to perform the duties and receive the compensation as provided or permitted by law.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. John Lane, Esq.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2005-13 (Advising and Consenting to Appointment of Gregory P. McGuckin as Public Defender and Russell P. Cherkos as Alternate) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-13

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT OF
GREGORY P. MCGUCKIN, ESQ. AS PUBLIC DEFENDER AND
RUSSELL P. CHERKOS, ESQ. AS ALTERNATE PUBLIC DEFENDER OF
THE TOWNSHIP OF MARLBORO

WHEREAS, Section 4-34 of the Code of the Township of Marlboro requires the Mayor to appoint a Public Defender with the advice and consent of the Township Council; and

WHEREAS, Mayor ROBERT KLEINBERG has previously advised the Township Council that he is appointing GREGORY P. MCGUCKIN, Esq., as Public Defender of the Township of Marlboro and RUSSELL P. CHERKOS, Esq., as Alternate Public Defender subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of GREGORY P. MCGUCKIN, Esq., as Public Defender and RUSSELL P. CHERKOS, Esq., as alternate Public Defender for the term and to perform the duties and receive the compensation as provided or permitted by law.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Gregory P. McGuckin, Esq.
- b. Russell P. Cherkos, Esq.
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2005-14 (Appointment of Township Auditor - Eugene Farrell) was introduced by reference, offered by Council Vice President Morelli and seconded by Councilman Cantor. Discussion followed, after which the resolution was passed on a roll call vote of 3 - 2 in favor, with Councilman Denkensohn and Councilman Mione voting no.

RESOLUTION # 2005-14

RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION
OF A CONTRACT WITH EUGENE FARRELL OF THE FIRM OF
HUTCHINS, FARRELL, MEYER & ALLISON, P.A. TO ACT AS THE
INDEPENDENT TOWNSHIP AUDITOR

WHEREAS, Section 4-32 of the Code of the Township of Marlboro requires the Township Council to appoint an independent township auditor; and

WHEREAS, the Township Council desires to appoint EUGENE FARRELL of the firm of Hutchins, Farrell, Meyer & Allison, P.A. as the independent township auditor; and

WHEREAS, Eugene Farrell submitted a proposal for the provision of such services to the Township Council which is attached hereto and made a part hereof; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

WHEREAS, the Township of Marlboro terminated its relationship with its previous auditor by Res. #2004-398 and requires the services of an auditor to perform the 2004 audit and the 2005 audit, along with special services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Eugene Farrell is hereby appointed as the independent township auditor and the Mayor is hereby authorized to execute a contract between Eugene Farrell of

the firm of Hutchins, Farrell, Meyer & Allison, P.A. and the Township of Marlboro to act as the independent township auditor pursuant to Section 4-32 of the Code of the Township of Marlboro and in accordance with the terms and conditions of the proposal submitted to the Township Council dated January 6, 2005; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Eugene Farrell
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution # 2005-15 (Authorizing Contract - Birdsall Engineering) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-15

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
ENGINEERING CONSULTING SERVICES BETWEEN THE TOWNSHIP OF
MARLBORO AND BIRDSALL ENGINEERING, INC.

WHEREAS, the Mayor has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide engineering consulting services to the Division of Engineering for a total amount not to exceed \$66,000; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to entered into a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the

Township of Marlboro for the provision of engineering consulting services to the Division of Engineering for a total annual amount not to exceed \$66,000.00. Birdsall Engineering, Inc. shall perform only those services authorized by the Mayor or Business Administrator; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2005-16 (Designating Judith Tiernan as Coordinator of Compliance with ADA 2005 - and Robert Di Marco as Deputy) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-16

RESOLUTION DESIGNATING JUDITH TIERNAN AS COORDINATOR OF COMPLIANCE EFFORTS IN CONNECTION WITH THE AMERICAN WITH DISABILITIES ACT AND ROBERT DIMARCO AS DEPUTY OR ALTERNATE COORDINATOR FOR 2005

WHEREAS, a coordinator must be named to facilitate compliance with the American with Disabilities Act (hereinafter "ADA"); and

WHEREAS, the Township has, in the past, designated the Township Business Administrator for such purpose and wishes to continue to do so; and

WHEREAS, the Township also wishes to designate an alternate or Deputy ADA Coordinator to work in conjunction with, or in the absence of, as the Coordinator to insure the important work of compliance continues and is maintained.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that:

1. Judith Tiernan be and is hereby designated as Coordinator of compliance efforts in connection with the ADA; and

2. Robert DiMarco is designated as Deputy/Alternate Coordinator of compliance efforts in connection with the ADA.

The following Resolution # 2005-17 (Designating Community Development Representative and Alternate) was introduced by reference, offered by Council President Pernice, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-17

APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVE
AND ALTERNATE

WHEREAS, there exist in the Township of Marlboro, County of Monmouth, the need for a Community Development Representative and an Alternate Community Representative; and

WHEREAS, Robert DiMarco is qualified for said position of Community Representative; and

WHEREAS, Robert Miller is qualified for said position of alternate Community Alternate Representative; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that Robert DiMarco be appointed as Community Development Representative and Robert Miller be appointed as Alternate Community Development Representative.

The following Resolution # 2005-18 (Order of Business of Council Meetings) was introduced by reference, offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-18

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following rules of order shall govern the meetings of the Council for 2005:

Rule 1. The Workshop and Regular Meetings of the Council shall be held on the first and third Thursday of each month (unless otherwise posted) at the Marlboro Municipal Complex.

Rule 2. The Order of Business at Meetings of the Council shall be as follows:

1. Salute to the Flag

2. Announcement of Meeting (Sunshine Law)
3. Roll Call
4. Citizen's Voice
5. Council Speaks Out
6. Administrative Report
7. Public Information Report
8. Correction and/or Approval of Minutes
9. Public Hearings
10. Introduction of Ordinances
11. New Business
12. Adjournment of Meeting

Rule 3. At Regular Meetings of the Council, any individual desiring to speak during Citizen's Voice will be allotted a maximum of five (5) minutes and will not be permitted to transfer unused time. Citizen's Voice will be limited to a total of thirty (30) minutes at Workshop Meetings and fifteen (15) minutes at Special Meetings. Said time shall be divided equally among those speakers listed on the sign in sheet for the Workshop or Special Meeting, but shall not exceed five (5) minutes for any one speaker.

Rule 4. Matters listed on the Consent Agenda are considered to be routine and may be enacted by one motion and one roll call vote. If discussion is desired by a Council Member, the item will be removed from the Consent Agenda and considered separately. All Consent Agenda items will be reflected in full in the minutes.

The following Resolution # 2005-19 (Order of Business of Council Meetings) was introduced as amended by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-19

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following dates are to be mailed to the Asbury Park Press and the Star Ledger as scheduled meetings to be held by the Township Council during the year 2005. Any "Special" or "Closed" meeting notices will be mailed at the time of a meeting. All meetings shall be held at 8:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

BE IT FURTHER RESOLVED that action may be taken at any workshop meeting without any further notice.

WORKSHOP:

REGULAR: January 20, 2005

February 3, 2005	February 17, 2005
March 3, 2005	(Tues.) March 15, 2005
April 7, 2005	April 21, 2005
May 5, 2005	May 19, 2005
June 2, 2005	June 16, 2005
July 14, 2005 (Workshop & Regular)	August 11, 2005 (Workshop & Regular)
September 8, 2005	September 22, 2005
October 6, 2005	October 20, 2005
November 3, 2005	(Workshop & Regular)
December 1, 2005	December 15, 2005

The following Resolution # 2005-20 (Authorization to Bid: 2005 Municipal Purchasing) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-20

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator be and is hereby authorized and directed to advertise for open, competitive bids for the following work, labor and/or materials as required by law:

ALL MUNICIPAL PURCHASING

SCHEDULE "A"

- 1) ADA RENOVATIONS / REPAIRS
- 2) ANIMAL CONTROL
- 3) BUILDING RENOVATIONS/REPAIRS
- 4) BUILDING VIDEO SECURITY SYSTEM
- 5) BUSING SERVICES
- 6) CELL TOWER, CONSTRUCTION
- 7) CELL TOWER, COLOCATION
- 8) CHEMICALS
- 9) COMPUTER/EQUIPMENT

- 10) COMPUTERS
- 11) COPIERS
- 12) CUSTODIAL SERVICES
- 13) DETENTION BASIN MAINTENANCE
- 14) DEFIBRILLATORS
- 15) DISCOUNT ON AUTO PARTS
- 16) ELECTRIC SERVICE
- 17) EQUIPMENT, CABLE STUDIO
- 18) EQUIPMENT, DPW
- 19) EQUIPMENT, POLICE
- 20) EQUIPMENT, RECREATION
- 21) EQUIPMENT, SWIM
- 22) GARBAGE COLLECTION/COMMUNITY CLEAN-UP/TOWNSHIP FACILITIES
- 23) GASOLINE, MOTOR OIL, FUEL OIL
- 24) GYPSY MOTH SPRAYING
- 25) HEAVY EQUIPMENT RENTAL
- 26) HVAC SERVICE
- 27) IRRIGATION WELLS
- 28) JANITORIAL SERVICES AND SUPPLIES
- 29) LAWN SERVICE
- 30) LEAF/BRUSH DISPOSAL
- 31) MAINTENANCE AND CLEANING
- 32) MASON CONTRACT
- 33) MICROSURFACING
- 34) MILLING
- 35) PAVING
- 36) POLE BARNs
- 37) PRINTING
- 38) RADIO PARTS, REPAIR & EQUIPMENT
- 39) RECREATION EQUIPMENT & SUPPLIES
- 40) RECYCLING
- 41) RENTAL EQUIPMENT & OPERATOR SERVICE, DPW
- 42) ROAD MATERIALS
- 43) ROAD SALT & DEICING MIXTURE
- 44) ROOF REPLACEMENT/REPAIR
- 45) SPORTS FLOORING
- 46) SNOW REMOVAL
- 47) SWIM POOL MAINTENANCE
- 48) SWIM POOL SNACK BAR
- 49) TIRES
- 50) T-SHIRTS
- 51) UNIFORMS
- 52) UNIFORMS UNDER UNION CONTRACT
- 53) UNIFORM CLEANING
- 54) UNSERVICEABLE VEHICLES
- 55) VEHICLES, DPW
- 56) VEHICLES, POLICE
- 57) VEHICLES, PUBLIC SAFETY/SPECIALTY AMBULANCE
- 58) VIDEO CAMERAS / POLICE CARS

The following Resolution # 2005-21 (Official Newspapers) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-21

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following newspapers are hereby designated as the official newspapers of the Township of Marlboro for the year 2005:

ASBURY PARK PRESS
NEWARK STAR LEDGER

The following Resolution # 2005-22 (Duplicate Bills) was introduced as amended by reference, offered by Council President Pernice, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-22

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2005 be as follows:

Duplicate Bills	-	\$ 5.00
Duplicate Bills (second copy)	-	25.00

The following Resolution # 2005-23 (Appointing Tax Search Officer - Shirley Giaquinto (Duplicate Bills) was introduced by reference, offered by Councilman Mione, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-23

BE IT RESOLVED by the Township Council of the Township of Marlboro that SHIRLEY GIAQUINTO be and she is hereby appointed Tax Search Officer for the Township of Marlboro, until a successor is duly qualified and appointed.

The following Resolution # 2005-24 (Rate of Interest-Delinquent Taxes) was introduced by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-24

WHEREAS, N.J.S.A. 54: 5-67 as amended by Chapter 435 P.L. 1978, permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments; and

WHEREAS, N.J.S.A. 54: 5-67 as amended by Chapter 75, P.L. 1991, permits the fixing of said rate at 8% per annum on the first \$1,500 of the delinquency and 18% per annum of any amount in excess of \$1,500.00 and allows an additional penalty of a flat 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey as follows:

That the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes or other municipal charges becoming delinquent after due date and 18% per annum on any amount of taxes or other municipal charges in excess of \$1,500.00 becoming delinquent after due date, and if a delinquency (including interest) is in excess of \$10,000.00 and remains in arrears after December 31, an additional flat penalty of 6% shall be charged against the delinquency.

BE IT FURTHER RESOLVED that this resolution be effective January 1, 2005.

The following Resolution # 2005-25 (Authorizing Tax Assessor - Various Duties & Requirements) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-25

WHEREAS, statutory provision is made for review and correction of errors prior to certification of an assessment list, and

WHEREAS, provision is also allowed for the discovery and correction of errors during the establishment of the tax rate, and

WHEREAS, changes in property ownership at times necessitates adjustments in the Veterans and/or Senior Citizen deductions allowed on the assessment list, and

WHEREAS, responsibility for maintenance and correction of the assessment list rests with the local Assessor subject to laws and regulations:

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Marlboro, that the Assessor fulfilling the duties and requirements of his office, be authorized to file with the Monmouth County Board of Taxation such appeals as may be necessary to maintain accuracy and equality in the assessment list of the Township of Marlboro, in accordance with procedures approved by the N. J. Division of Taxation and N. J. Attorney General's office; and

BE IT FURTHER RESOLVED that the Assessor is hereby authorized to execute Stipulation of Settlement on behalf of the Municipality.

BE IT FURTHER RESOLVED that the Assessor is hereby authorized to file complaints on behalf of the Municipality based upon farmland and rollback procedures.

BE IT FURTHER RESOLVED that the Assessor is hereby authorized to file cross petitions of appeal and counter claims.

BE IT FURTHER RESOLVED that a certified copy of this resolution accompany an appeal by the Assessor with the Monmouth County Board of Taxation.

The following Resolution # 2005-26 (Continuation of Bonds - Officers and Employees) was introduced by reference, offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-26

BE IT RESOLVED by the Township Council of the Township of Marlboro that they do hereby authorize and direct that the bonds presently in effect for the officers and employees of the Township of Marlboro be continued for the year 2005.

BE IT FURTHER RESOLVED by the Township Council that the Township Auditor and Director of Finance shall review these bonds and make recommendations as to any changes to the Council within thirty (30) days.

The following Resolution # 2005-27 (Designating Municipal Clerk/Certificates of Searches) was introduced by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-27

WHEREAS, under and by virtue of N.J.S.A. 54: 5-18.1 et seq. inclusive, it is required that the Governing Body of the Municipality by Resolution designate either the Municipal Clerk or the Municipal Engineer as the person to make official Certificates as to Liability for Assessment for Municipal Improvements;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Municipal Clerk be and she is hereby designated as the person to make such Certificates as to Liability for Assessment for Municipal Improvements as is required by law and by virtue of said statute.

The following Resolution # 2005-28 (Designating Administrative Officer/Certificates of Approval of Subdivisions of Lands) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-28

WHEREAS, under and by virtue of N.J.S.A. 40-55D-56, it is required that the Governing Body of the Municipality by Resolution designate an administrative officer for the issuance of certificates as to approval of subdivisions of land as provided in said statute;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Administrative Officer be and she is hereby designated as the person to make and issue such certificates as to approvals of subdivisions as required under and by virtue of said statute.

The following Resolution # 2005-29 (Temporary Budget Current (26.25%) and Swim Utility) was introduced by reference, offered by Councilman Mione, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-29

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2005

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year, and

WHEREAS, appropriations are to provide for the period between the beginning of the fiscal year and the adoption of the budget, and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding appropriations made for interest and debt redemption charges and capital improvement fund, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for Calendar Year 2004 is six million seventy-nine thousand two hundred twenty-six dollars (\$6,079,226), and swim utility budget two hundred sixty-seven thousand eight hundred twelve dollars and fifty cents (\$267,812.50).

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of Calendar Year 2005 according to the schedule attached hereto and a made a part hereof, and

BE IT FURTHER RESOLVED, that this Resolution take effect January 6, 2005, and that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

The following Resolution # 2005-30 (Cash Management Plan) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-30

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN
AND NAMING OFFICIAL DEPOSITORIES
FOR THE TOWNSHIP OF MARLBORO FOR 2005

WHEREAS, N.J.S.A. 40A:5-14 mandates that a Governing body of a municipal corporation shall, by resolution passed by a majority vote

of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, N.J.S.A 40A:5-15.1 amended by Chapter 148, P.L. 1997 established new requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth wish to comply with the above statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth adopts the following cash management plan, including the official depositories for the Township of Marlboro, County of Monmouth for the calendar year 2005.

CASH MANAGEMENT PLAN OF THE
TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH
CALENDAR YEAR 2005

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Township of Marlboro, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED
BY THE PLAN

A. The plan is intended to cover all deposits and/or all investments of the following funds of the Township of Marlboro.

Two authorized signatories are required for disbursements that shall include the Mayor's signature or facsimile as one endorsement. The second signature to be included is the Chief Financial Officer or in their absence the Business Administrator for the following accounts:

- (1) Current Fund
 - a. Current
 - b. Grant Fund
 - c. Payroll
 - d. Payroll Agency Account
- (2) Trust Funds
 - e. Performance Bond
 - f. Planning Board Escrow
 - g. Zoning Board Escrow
 - h. Engineering Inspection Escrow
 - i. Fire Safety Trust
 - j. Law Enforcement Trust
 - k. Mt. Laurel Trust
 - l. Storm Water Management Trust
 - m. Recreation Trust
 - n. Trust Other
 - Police Outside Employment
 - Bid/Performance
 - Road Opening Permits
 - Marlboro Knolls
 - School Road East & Route 79
 - Insurance Reimbursement
 - Police Recovered Property
 - Shade Tree
 - Marlboro Knolls
 - Third Party Tax Title Liens
 - Tax Premiums
 - Bail Refund
 - Public Defender
 - POAA
 - Tree Bank
 - High Pointe
 - 9/11 Memorial Fund
 - Snow Removal
 - Uniform Construction Code
- (3) General Capital
- (4) Pool Utility
 - a. Operating
 - b. Capital
- (5) Public Assistance Account I

- B. It is understood that this Plan is not intended to cover certain funds and accounts of the Township of Marlboro, specifically:
- a. Municipal Court-Authorized Signatory, Court Clerk and Municipal Judge
 - i. Court Account
 - ii. Bail Account

III. DESIGNATION OF OFFICIALS OF THE TOWNSHIP OF MARLBORO
AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Chief Financial Officer (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township of Marlboro are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

The Chief Financial Officer is further authorized to make interfund transfers between the Township Funds as may be necessary from time to time. The Chief Financial Officer is authorized to make such transfers and/or any and all payments by wire transfer as necessary.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

Amboy National Bank
Bank of New York
Bankers Trust Co. (Wire agent for NJ Cash Management)
Chase Bank
Columbia Bank
Commerce Bank
Community Bank
Depository Trust Company
Wachovia Bank, N.A., N.J.
First Washington Bank
Fleet Bank, New York, N.A.
Hudson United Bank
Investors Savings Bank
Merrill Lynch

MBIA-Class Management Unit Trust
NJ Asset & Rebate Program (NJ ARM)
NJ Cash Management Fund
Northfork Bank
Peapack-Gladstone Bank
PNC Bank
SI Bank & Trust
Sovereign Bank
Sun National Bank
Trust Company of New Jersey
United National Bank
Unity Bank
Valley National Bank

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

V. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Township of Marlboro referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official (s) referred to in Section III above.

A H Williams & Company
CIDC Oppenheimer & Co.
Chase Manhattan Bank
Commerce Capital
Dean Witter Custodian for NJ Cash Management
Depository Trust Company
E. A. Moos & Company
Fleet Securities
First Union Bank
PNC Capital Markets
Prudential Securities
Summit Bank

VI. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S.A. 40A:5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes, regulating such funds. Payroll, Developer's Escrow, Engineering Escrow and Performance Bond deposits and other agency funds, which represent funds of individuals and other organizations held by the Township shall be deposited in interest bearing checking account unless applicable State statutes direct otherwise. Grant funds shall be deposited in accordance with the regulations of the granting government or agency.

Where compensating balances are required by any designated depository to offset the cost of services provided an agreement between the Township and the depository shall be executed, specifying the charge for each service and the balance required to offset each charge. Said agreement shall be reviewed on an annual basis.

VII. AUTHORIZED INVESTMENTS

- A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:
- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
 - (2) Government money market mutual funds;
 - (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
 - (4) Bonds or other obligations of the Local Unit or bonds or other obligations of the school districts of which the Local Unit is a part or within which the school district is located;
 - (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;

- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977,c.281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) The underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a:
 - (b) The custody of collateral is transferred to a third party;
 - (c) The maturity of the agreement is not more than 30 days;
 - (d) The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:19-41); and
 - (e) A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "governmental money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund

An investment company or investment trust:

- (a) Which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.
- (b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) Which has:
 - (1) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the

most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool.

An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec 270.2a-7;
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected at the time of interest rate adjustment, to have a market value that approximates their par value, or net asset value; and
- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in the U.S. Government securities and

reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township of Marlboro, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township of Marlboro to assure that there is no unauthorized use of the funds or the Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to Marlboro or by a third party custodian prior to or upon the release of the Township of Marlboro's funds.

To assure that all parties with whom the Township of Marlboro deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in the Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

IX. DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed in accordance with statutory provision established by Municipal Code, section 4-59. The Chief Financial Officer shall, at the beginning of the fiscal year, present to the Township Council a schedule of debt service principal and interest payments and when available, a schedule of School Tax payments for the upcoming fiscal year. Upon review of the schedules of payments by the Township Council, the Chief Financial Officer shall then have the authority to make the following disbursements:

District & Regional School Taxes
County Taxes
Fire Districts

Inter-funds
Purchase of Investments
Debt Service
Salaries & Wages
Postage
Petty Cash Reimbursements
Payroll Withholdings - Taxes, Dues Deferred
Compensation, Bonds, Garnishments and Pension

X. PETTY CASH FUND

Reimbursements for expenditures through the Petty Cash Fund shall be made within the limits approved by the Director of the Division of Local Government Services. The Petty Cash Fund shall be maintained in accordance with N.J.S.A. 40A:5-21. Petty Cash Funds shall be maintained in the following amounts:

Chief Financial Officer	\$ 200.00
Director of Recreation	\$ 1,500.00

XI. BONDING

The following officials shall be covered by surety bonds: said surety bonds to be examined by the independent auditor to insure their proper execution:

Tax Collector
Chief Financial Officer
Court Clerk
Judges

XII. COMPLIANCE

The Cash Management Plan of the Township of Marlboro shall be subject to the approval of the Township Attorney, and shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

As stated in N.J.S.A. 40A:5-14, the official(s) charged with the custody of Township funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or and department thereof, the applicable State regulations shall apply.

XIII. REPORTING REQUIREMENTS

By the tenth day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Township a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The Name of any institution holding funds of the Township as a Deposit or a Permitted Investment.
- B. The Amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township

XIV. FIRE DISTRICT QUARTERLY LEVY INSTALLMENTS

In accordance with N.J.S.A. 40A:14-79, Fire District annual levy payments are due in quarterly installments every: April 1st - 21.25%, July 1st - 22.5%, October 1st - 25% with the remaining balance due on or before December 31st. Upon request of the Marlboro Township Fire District(s), quarterly levy installments may be made in four equal installments at 25% each.

XV. TERM OF PLAN

This Plan shall be in effect from January 1, 2005 to December 31, 2005. The Plan may be amended from time to time. To the extent that the Council adopts any amendment, the Designated Official(s) is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved

Plan. The amendment shall be acknowledged in writing in the same manner, as the original Plan was so acknowledged.

The following Resolution # 2005-31 (Continuation of Petty Cash Funds) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-31

RESOLUTION AUTHORIZING PETTY CASH FUND
FOR CALENDAR YEAR 2005

WHEREAS, in accordance with N.J.S.A. 40A:5-21 "A local unit may establish a petty cash fund upon written application to and after approval by the Director. All matters relating to the establishment, accounting, repayment and discontinuance of such funds shall be in the discretion of the Director, who shall promulgate reasonable rules and regulation in respect thereto."

WHEREAS, regulations require all petty cash funds be returned to the Local Unit's Chief Financial Officer prior to December 31st of each year to be re-established by subsequent resolution on or after January 1st of the following year.

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey as follows:

1. That the Township Council authorizes continuation of Petty Cash funds for immediate needs. By virtue of this resolution, a petition is filed to of Division of Local Government Service to reestablish a petty cash funds consistent with prior years levels at:

<u>DEPARTMENT</u>	<u>2005 LEVEL</u>	<u>2005 REQUEST</u>
FINANCE	\$ 200.00	\$ 200.00
RECREATION	\$ 1,500.00	\$ 1,500.00

2. That certified copies of this resolution be provided to the Director of the Local Government Services, Business Administrator, Chief Financial Officer, Auditor and any other interested parties.

The following Resolution # 2005-32/Ord. # 2005-1 (Amending Chapter 4 - Business Administrator) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor

and passed on a roll call vote of 3 - 2 in favor with Councilman Denkensohn and Councilman Mione voting no.

RESOLUTION # 2005-32

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4
"ADMINISTRATION OF GOVERNMENT," ARTICLE VIII "DEPARTMENT OF
ADMINISTRATION," SECTION 4-42 "DEPARTMENT ESTABLISHED;
ORGANIZATION"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on January 20, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE VIII "DEPARTMENT OF ADMINISTRATION," SECTION 4-42 "DEPARTMENT ESTABLISHED; ORGANIZATION"

WHEREAS, Section 4-42 "Department Established; Organization" of the Code of the Township of Marlboro sets forth the qualifications for the Township Business Administrator; and

WHEREAS, the Mayor and the Township Council desire to revise Section 4-42 based upon the Business Administrator Job Specification promulgated by the New Jersey Department of Personnel to allow applicants who do not possess a bachelor's degree to substitute two years of management experience for every one year of college they are lacking.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 4 "Administration of Government," Article VIII "Department of Administration," Section 4-42 "Department Established; Organization" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 4-42 Department established; organization.

Subsection B of Section 4-42 is amended to read as follows:

"No Business Administrator shall be qualified for the office unless that person possesses a bachelor's degree from an accredited college or university. An applicant who does not meet this educational requirement may substitute two years of paid, full-time municipal, county or state management experience in a governmental unit for every one year of college that he or she is lacking. In addition, no Business Administrator shall qualify unless that person has at least one of the following:

- (1) Three years of paid, full-time municipal, county or state experience in a governmental unit;
- (2) Comparable governmental experience, whether or not that person was directly employed by a governmental unit; or
- (3) A doctorate degree in public administration, law or other relevant field of study."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolutions were introduced by reference, offered by Council President Pernice, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor: Res. #

2005-33 (Authorizing State Contract - Office Supplies), Res. # 2005-34 (Authorizing Purchase of Mower - Public Works), Res. # 2005-35 (Raffle License Monmouth County Education Association).

RESOLUTION # 2005-33

RESOLUTION AUTHORIZING THE PURCHASE OF OFFICE
SUPPLIES FOR THE TOWNSHIP OF MARLBORO
STATE CONTRACT #A59768

WHEREAS, the Marlboro Township Administration Department has recommended that the Township purchase office supplies from Allied Office Supply, 100 Delawanna Avenue, 7th Floor, Clifton, NJ 07014-1550 under State Contract #A59768; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide office supplies to the Township of Marlboro; and

WHEREAS, funds are available in Budget Account Number 01-2005-0001-0100-002-00373 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said office supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase office supplies from Allied Office Supply, 100 Delawanna Avenue, 7th Floor, Clifton, NJ 07014-1550 under State Contract #A59768; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Allied Office Supply, Clifton, NJ
- b. Township Administrator
- c. Township Departments
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2005-34

RESOLUTION AUTHORIZING THE PURCHASE OF A TORO ZEE 500
MODEL 74286 MOWER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Marlboro Township Department of Public Works contacted certain companies to request estimates for the purchase of one (1) Toro Zee 500 Model 74286 Mower; and

WHEREAS, the Department of Public Works received the following three estimates:

1. Storr Tractor Company, Somerville, New Jersey - \$10,062.00
2. Pride Landscape Supply 2, South Amboy, New Jersey - \$10,062.00
3. Barg's Lawn & Garden Inc., Freehold, New Jersey - \$10,500.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Public Works have reviewed the estimates received and recommend that a contract be awarded to Storr Tractor Company for the purchase of the aforementioned item; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0021-004-02078 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) Toro Zee 500 Model 74286 from Storr Tractor, 3191 Route 22, Somerville, NJ 08876 for the amount of \$10,062.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Storr Tractor Company, Somerville, NJ
- b. Township Administrator

- c. Township Department of Public Works
d. Township Chief Financial Officer
e. Gluck Walrath, LLP

RESOLUTION # 2005-35

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 01-05 (Off Premise Merchandise Raffle) be and it is hereby granted to Monmouth County Education Association Philanthropic Fund, 28 Buckley Road, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 7, 2005 at 5:00 PM at 28 Buckley Road, Marlboro, N. J. 07746.

At 10:15PM, Councilman Mione moved that the meeting be adjourned. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: February 17, 2005

OFFERED BY: Morelli AYES: 5

SECONDED BY: Pernice NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT